

(Published in the *Wichita Eagle*, on August 14, 2015)

#### RESOLUTION NO. 15-234

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (LATERAL 8, MAIN 12, FOUR MILE CREEK SEWER – HAWTHORNE ADDITION/NORTH OF 21<sup>ST</sup> STREET NORTH, EAST OF 127<sup>TH</sup> STREET EAST) (468-85048).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer (Lateral 8, Main 12, Four Mile Creek Sewer), including necessary sewer mains and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Ninety-Six Thousand Dollars (\$96,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions thereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

**Tracts 2A, Tract 2B, Tract 3, Tract 4, and Lots 5 and 6, Block 6; Hawthorne Addition**  
**See *Exhibit A* attached hereto**

(d) The method of assessment is: **equally per square foot.**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on August 11,2015.

(SEAL)

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

***EXHIBIT A***

**DESCRIPTION OF  
NEW Lot 2A, Block 6, Hawthorne Addition  
“Lot Split”**

A tract of land lying within portions of Lots 2 and 3, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southwest corner of Lot 4, Block 6, of said addition; thence along the west line of said Lot 4 on a platted bearing of, N00°38'30"W, 175.00 feet; thence along the west lines of said Lot 4 and said Lot 3, N09°10'21"W, 101.12 feet; thence along the west lines of said Lot 3 and said Lot 2, N00°38'30"W, 200.00 feet to the POINT OF BEGINNING; thence continuing along the west line of said Lot 2, N00°38'30"W, 398.31 feet to the northwest corner of said Lot 2; thence along the north line of said Lot 2, N88°33'26"E, 828.33 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°38'30"E, 668.52 feet to the southeast corner of said Lot 2; thence along a southerly line of said Lot 2, S88°33'26"W, 591.56 feet; thence N01°38'17"W, 266.94 feet; thence S89°21'30"W, 232.10 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 490,741 square feet or 11.266 acres of land, more or less.

Subject to the any and all covenants and agreements of record.

**DESCRIPTION OF  
NEW Lot 2B, Block 6, Hawthorne Addition  
“Lot Split”**

A tract of land lying within portions of Lots 2, 3, and 4, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southwest corner of said Lot 4; thence along the south line of said Lot 4 on a platted bearing of, N88°33'26"E, 175.00 feet; thence continuing along the south line of said Lot 4, S82°54'43"E, 42.55 feet to the POINT OF BEGINNING; thence N01°26'34"W, 21.31 feet; thence N06°09'07"E, 60.53 feet; thence N01°38'17"W, 129.98 feet; thence N88°33'26"E, 191.56 feet to the northwest corner of Lot 5, of said addition; thence along the west line of said Lot 5, S00°38'30"E, 220.00 feet to a southerly line of said Lot 2; thence along the southerly line of said Lot 2, S88°33'26"W, 138.12 feet; thence continuing along the south lines of said Lot 2 and Lot 4, N82°54'43"W, 58.57 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 41,961 square feet or 0.963 acres of land, more or less.

Subject to the any and all covenants and agreements of record.

**DESCRIPTION OF  
NEW Lot 3, Block 6, Hawthorne Addition  
“Boundary Shift”**

A tract of land lying within portions of Lots 2 and 3, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southwest corner of Lot 4, Block 6, of said addition; thence along the west line of said Lot 4 on a platted bearing of, N00°38'30"W, 175.00 feet; thence along the west lines of said Lot 4 and said Lot 3, N09°10'21"W, 101.12 feet to the POINT OF BEGINNING; thence continuing along the west lines of said Lot 3 and said Lot 2, N00°38'30"W, 200.00 feet; thence S89°21'30"W, 232.10 feet; thence S01°38'17"E, 200.03 feet; thence S89°21'30"W, 235.58 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 46,769 square feet or 1.074 acres of land, more or less.

Subject to the any and all covenants and agreements of record.

**DESCRIPTION OF  
NEW Lot 4, Block 6, Hawthorne Addition  
“Boundary Shift”**

A tract of land lying within portions of Lots 3 and 4, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 4; thence along the west line of said Lot 4 on a platted bearing of, N00°38'30"W, 175.00 feet; thence along the west lines of said Lot 4 and said Lot 3, N09°10'21"W, 101.12 feet; thence N89°21'30"E, 235.58 feet; thence S01°38'17"E, 196.89 feet; thence S06°09'07"W, 60.53 feet; thence S01°26'34"E, 21.31 feet to the south line of said Lot 4; thence along the south lines of said Lot 4 for the remaining courses, N82°54'43"W, 42.55 feet; thence S88°33'26"W, 175.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 61,476 square feet or 1.411 acres of land, more or less.

Subject to the any and all covenants and agreements of record.

**DESCRIPTION OF  
Lot 5, Block 6, Hawthorne Addition**

Lot 5, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas.

Said tract CONTAINS: 44,000 square feet or 1.008 acres of land, more or less.

Subject to the any and all covenants and agreements of record.

**DESCRIPTION OF  
Lot 6, Block 6, Hawthorne Addition**

Lot 6, Block 6, Hawthorne Addition, an addition to Wichita, Sedgwick County, Kansas.

Said tract CONTAINS: 44,000 square feet or 1.008 acres of land, more or less.

Subject to the any and all covenants and agreements of record.